

Application No. 10/518,327  
Amendment Dated March 17, 2008  
Response to Office Action Dated September 17, 2007

**Remarks**

Claims 1-10 are pending.

Claims 2 and 9 are withdrawn.

Claim 3 has been cancelled without prejudice.

Claim 1 has been amended.

Claim 11-13 have been added.

Claims 1, 4-8 and 10-13 are submitted herein for review.

No new matter has been added.

In paragraph 2 of the Office Action, the Examiner has objected to the specification under 37 CFR 1.77(b) for not containing the proper section headings. Applicant has amended the specification accordingly and respectfully request that the objection be withdrawn.

In paragraph 4 of the Office Action, the Examiner has rejected claims 1, 3-8 and 10 under 35 U.S.C. § 102(b) as being anticipated by Weis (U.S. Patent No. 5,980,089). Applicant respectfully disagrees with the Examiner and submits the following remarks in response.

The present invention as claimed in claim 1 is directed to a method for diagnosing malfunctions of an apparatus delivering goods or services against payment having a means of payment. The method includes calculating the value of at least one data item representative of the operation of the apparatus, where the at least one data item representative of the operation of

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the apparatus is the time that has elapsed since a latest payment made with the means of payment and the time that is intended to elapse as long as no other payment is made with the means of payment.

New independent claim 11 is an apparatus claim for an apparatus, such as a parking meter that employs such a method for discovering a malfunction.

The calculated value is compared to a predetermined reference value and the occurrence of a malfunction is deduced in the event the calculated value is superior to the predetermined reference value.

Such an arrangement is intended to improve the ability of a parking lot manager to detect a fault in a parking apparatus without the need to add additional sensors and associated electronic circuitry found in the prior art. See paragraph [0009] of the present invention.

As such, the present invention measures the amount of time has elapsed since a latest payment made with the means of payment (see paragraph [0042] of the present invention) and the time that is intended to elapse as long as no other payment is made with the means of payment. See paragraphs [0052] to [0054] of the present invention). This calculated value is compared against the predetermined reference value to detect the malfunction.

The cited prior art, namely Wies, teaches an apparatus dispensing token that the customer has directly purchased (col. 5, lines 48-50). An error is detected when a sensor does not detect the dispensing of a token after a predetermined dispensing time following the payment (col. 6, line 62 - col. 7, line 3). This time measuring is simply the time between payment and token dispensing.

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Thus, the cited prior art does not teach or suggest all of the elements of independent claim 1. For example, there is no teaching or suggestion that discloses calculating the value of at least one data item which is the time that has elapsed *since a latest payment made with the means of payment and the time that is intended to elapse as long as no other payment is made with the means of payment.*

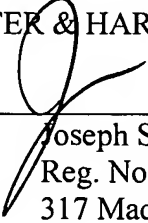
As such, Applicant respectfully requests that the prior art rejection of independent claim 1 be withdrawn. Also, as claims depend from independent claim 1, these rejections should be withdrawn as well for at least the same reasons set forth above.

In view of the foregoing, Applicant respectfully submits that pending claims 1, 4-8 and 10-13 are in condition for allowance, the earliest possible notice of which is earnestly solicited. If the Examiner feels that an interview would facilitate the prosecution of this Application they are invited to contact the undersigned at the number listed below.

Respectfully submitted,

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